STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

October 17, 2007

Mr. Brian Hollenbach
Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – PLUS 2007-09-12; Seaford 36, LLC

Dear Mr. Hollenbach:

Thank you for meeting with State agency planners on September 26, 2007 to discuss the proposed plans for the Seaford 36, LLC project to be located along Route 13 north of Walmart in Seaford.

According to the information received, you are seeking a rezoning from R-3 to R-3/C-2 for 80 residential units and 72,705 sq. ft. of retail.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office***

notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- The Office of State Planning and Coordination recognizes that the proposed project is within a Level 2 and Level 3 as defined by the State's Strategies fro Policy and Spending. In addition, the site is within a planned future growth area for the City of Seaford. It should also be noted that this project has changed significantly since its first submission to our office in February of 2005. Although greater consideration has been given to the environmental constraints found within this site, this site historically has and continues to be of concern for flooding for the City of Seaford. Also the site is will significant impact an already poorly developed intersection of US 13 and Herring Run Road. This office would encourage the developer to work closely with the City, Del-Dot and DNREC to address these two major concerns as the project develops. Finally, this office would encourage the developer to continue to work with the City to address any additional concerns that may be identified through the development of this project. If you have any questions, please contact me.

Street Design and Transportation

- The proposed development warrants a traffic impact study (TIS) and DelDOT will require one.

Natural and Cultural Resources

- Approximately 70% of the mapped soils on this parcel are mapped as Fallsington (hydric). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, sidewalks, and stormwater management structures). Such soils should not be developed since they are likely to increase future flooding intensities and frequencies (both on and off the project site) should they be filled, graded or further drained.

- The wetland buffers provided for in the site plan are inadequate for protecting the function and integrity of wetlands and for providing wildlife habitat. Upland buffers around wetlands provide habitat critical to wetland dependent species during a portion of their life cycle. Roads, stormwater management ponds and structures within 100 feet of these wetlands should be pulled back, downsized or omitted to the extent feasible. Current county required buffers are inadequate and this recommendation for a minimum of 100-foot buffers is based on peer reviewed scientific literature.

- Minimize forest removal as much as possible. If left intact, this forest will regenerate and benefit species which rely on early succesional woodlands. If the applicant is interested in habitat restoration at this site, please contact our office at (302) 653-2880.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination recognizes that the proposed project is within a Level 2 and Level 3 as defined by the State's Strategies fro Policy and Spending. In addition, the site is within a planned future growth area for the City of Seaford. It should also be noted that this project has changed significantly since its first submission to our office in February of 2005. Although greater consideration has been given to the environmental constraints found within this site, this site historically has and continues to be of concern for flooding for the City of Seaford. Also the site is will significant impact an already poorly developed intersection of US 13 and Herring Run Road. This office would encourage the developer to work closely with the City, Del-Dot and DNREC to address these two major concerns as the project develops. Finally, this office would encourage the developer to continue to work with the City to address any additional concerns that may be identified through the development of this project. If you have any questions, please contact me.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

According to the historical resources and documents at the State Historic Preservation Office, there are no historic features, such as a National Register property, or Archaeological site on or within this parcel. However, because of the nature of where this parcel is located there is a possibility that there still could be an un-discovered prehistoric or historic archaeological site on this parcel, or nearby.

In addition, the developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here if this development is approved. If any construction proceeds on this parcel, the State Historic Preservation Office of the Division of Historical & Cultural Affairs would like the opportunity to examine the area prior to any demolition or ground-disturbing activities, to see if there are any archaeological sites on it, in order to learn more information about this area in detail.

If you would like to discuss this information or other issues further, contact the State Historic Preservation Office Division of Historical & Cultural Affairs at (302) 744-7400 ext.25, and we will be more than happy to assist you.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

1) The proposed development warrants a traffic impact study (TIS) and DelDOT will require one. A study was scoped in January 2005 for a previous development proposal on this site and we do not anticipate major changes to that scope but we will ask the developer to have their traffic engineer contact us for an updated scope. Specifically, they should contact Mr. Troy Brestel of this office. Mr. Brestel may be reached at (302) 760-2167. DelDOT will comment to the City on the results of the TIS when it is complete and they have reviewed it

2) Under the Corridor Capacity Preservation Program, DelDOT has developed conceptual plans for a service road that would run behind Wal-Mart and continue north through the subject property. As drawn, the service road, referred to as a "corridor preservation road" on the application, is generally acceptable except that it does not connect to Tharp Road. DelDOT anticipates the actual connection to Tharp Road being built as part of another development, Gallery Pointe, but Seaford 36, LLC will need to continue the road north, from the end of the Gallery Pointe construction, to connect to their own property and then build the road through their property as shown on the plan.

3) If the rezoning is approved, the developer's site engineer should contact our Subdivision Manager for western Sussex County, Mr. Derek Sapp, regarding our requirements for access and the service road. Mr. Sapp may be reached at (302) 760-4803.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Soils

According to the Sussex County soil survey update, Rosedale, Woodstown, and Fallsington were mapped in the immediate vicinity of the proposed construction. Rosedale is a well-drained upland soil that, generally, has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands and has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

Approximately 70% of the mapped soils on this parcel are mapped as Fallsington (hydric). Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, sidewalks, and stormwater management structures). Such soils should not be developed since they are likely to increase future flooding intensities and frequencies (both on and off the project site) should they be filled, graded or further drained.

Wetlands and Permitting Information

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands on a substantial portion of this site. Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. PLUS application materials indicate that wetlands were delineated. This delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Management Program (DCMP) Section. Each of these certifications represents a separate permitting process.

Please be advised that nationwide permits have been suspended in Delaware and are pending further coordination with the Corps. Therefore, contrary to past practices, Coastal Zone Management approval can no longer be assumed. Individual certifications must be granted from the DCMP office for each project intending to utilize a Nationwide Permit. For more information on the Federal Consistency process, please contact the DCMP office at 302.739.9283. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at 302.739.9943 to schedule a meeting.

Impervious Cover

Based on information provided by the applicant on the PLUS application form, this project's projected post-development surface imperviousness was calculated at 23 percent. However, given the scope and density of this project this projection is likely an underestimate.

The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, stormwater management structures, and roads) should be included in the calculation for surface imperviousness; it was unclear from the submittal whether constructed surface imperviousness was comprehensively considered. Nonetheless, it is strongly recommended that the applicant include all of aforementioned forms of surface imperviousness in their finalized calculation for surface imperviousness. This will ensure a realistic assessment of this project's likely post-construction environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of the greater Nanticoke watershed, and designated as having waters of Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as

amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs to meet standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Nanticoke watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the greater Nanticoke watershed, "target-rate-nutrient reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, "target-rate-reductions" of 2 percent will be required for bacteria.

TMDL Compliance through the PCS

As indicated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been proposed for the Nanticoke watershed. The TMDL calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria. A Pollution Control Strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of BMPs such as wider vegetated buffers along watercourses/wetlands, increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The information provided indicates that the City of Seaford will provide well water to the proposed projects through a central public water system. Our files reflect that the City of Seaford does not currently hold a Certificate of Public Convenience and Necessity

(CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

Drainage

1. The Drainage Program is aware of existing drainage and stormwater concerns associated with this area. Please contact the Sussex Conservation District to discuss the probability of a downstream analysis for this project. The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

2. Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

3. This project has the potential to enhance existing riparian buffers on this site to aid in the reduction of nutrients, sediment, and other pollutants entering the watershed. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing the stormwater into the Nanticoke River watershed.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

Forest Preservation and Wildlife Habitat

This site is entirely forested; however, aerial photographs reveal previous harvest that has left this forest in a stage of early succession. A portion of this property contains forested wetlands, which can support an array of plant and animal species. This forest is also adjacent to a larger forest block which was not harvested, but will be mostly lost due to development in the near future. Cumulative forest loss throughout the State is of utmost concern to our Division (which is responsible for conserving and managing the states

wildlife; see www.fw.delaware.gov and the Delaware State Code, Title 7). Because of an overall lack of forest protection, we have to rely on landowners and/or the entity that approves the project (i.e. counties and municipalities) to consider implementing measures that will aide in forest loss reduction.

Recommendations:

1. The wetland buffers provided for in the site plan are inadequate for protecting the function and integrity of wetlands and for providing wildlife habitat. Upland buffers around wetlands provide habitat critical to wetland dependent species during a portion of their life cycle. Roads, stormwater management ponds and structures within 100 feet of these wetlands should be pulled back, downsized or omitted to the extent feasible. Current county required buffers are inadequate and this recommendation for a minimum of 100-foot buffers is based on peer reviewed scientific literature.

2. Minimize forest removal as much as possible. If left intact, this forest will regenerate and benefit species which rely on early succesional woodlands. If the applicant is interested in habitat restoration at this site, please contact our office at (302) 653-2880.

Nuisance Waterfowl

The stormwater ponds scattered throughout the plan will likely attract waterfowl like resident Canada geese and mute swans that can create a nuisance for community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the landowner or property manager will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a

reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There are no LUST site(s) located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 6.3 tons (12,586.1 pounds) per year of VOC (volatile organic compounds), 5.2 tons (10,420.5 pounds) per year of NOx (nitrogen oxides), 3.8 tons (7,688.4 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (684.4 pounds) per year of fine particulates and 526.4 tons (1,052,814.9 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.5 tons (5,076.6 pounds) per year of VOC (volatile organic compounds), 0.3 ton (558.6 pounds) per year of NOx (nitrogen oxides), 0.2 ton (463.5 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (598.2 pounds) per year of fine particulates and 10.3 tons (20,579.3 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.0 tons (2,012.0 pounds) per year of NOx (nitrogen oxides), 3.5 tons (6,998.2 pounds) per year of SO2 (sulfur dioxide) and 516.1 tons (1,032,235.7 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO_2	$PM_{2.5}$	CO_2
Mobile	6.3	5.2	3.8	0.3	526.4
Residential	2.5	0.3	0.2	0.3	10.3
Electrical Power		1.0	3.5		516.1
TOTAL	8.8	6.5	7.5	0.6	1052.8

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.0 tons of nitrogen oxides per year and 3.5 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, http://www.energystar.gov/:

"ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment."

The DNREC Energy Office is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. We highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

We also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

a. **Fire Protection Water Requirements**:
   - Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
   - Where a water distribution system is proposed for Mercantile sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
   - All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
   - Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
   - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
   - Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**
   - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road from the public thoroughfares must be constructed so fire department apparatus may negotiate it.
   - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
   - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
   - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
   - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**
   - Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes**:
   - Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
   - Proposed Use
   - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
   - Square footage of each structure (Total of all Floors)
   - National Fire Protection Association (NFPA) Construction Type
   - Maximum Height of Buildings (including number of stories)
   - Note indicating if building is to be sprinklered
   - Name of Water Provider
   - Letter from Water Provider approving the system layout
   - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
   - Provide Road Names, even for County Roads

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed project. The project is located within the Town of Seaford, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 and 3 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-

use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware State Housing Authority – Contact Vicki Walsh 739-4263

This is a site plan review for 80 residential rental units and 72,705 sq. ft of commercial property located on Route 13, north of Wal-Mart in Seaford. According to the State Strategies Map, the proposal is located in an Investment Level 2 and 3 area. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 2 areas outlined in the State Strategies Map. In addition, DSHA strongly supports the development of rental communities. They can be the most economical to construct and are needed to meet the needs of low- and moderate-income families. DSHA's most recent Statewide Housing Needs Assessment has identified a need for the construction of an additional 1,489 rental units over the 2008 to 2012 time period.

While it is unclear at this time what income level this rental community will be serving, it would be beneficial if some of the units were set aside for low- and moderate-income families.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is in the Seaford School District. DOE offers the following comments on behalf of the Seaford School District.

1. Using the DOE standard formula, this development will generate an estimated 40 students.
2. DOE records indicate that the Seaford School Districts' *elementary schools **are not** at or beyond 100% of current capacity* based on September 30, 2006 elementary enrollment.

3. DOE records indicate that the Seaford School Districts' *secondary schools **are not** at or beyond 100% of current capacity* based on September 30, 2006 secondary enrollment.
4. The developer is strongly encouraged to contact the Seaford School District Administration to discuss the issue of student population growth.
5. DOE requests the developer work with the Seaford School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

City of Seaford – Contact: Joshua Littleton

The City of Seaford e-mailed the following comments to this office. Per their e-mail the comments listed below are based on my meeting with Brian Hollenbach, Becker Morgan Group, Inc. and Garth Jones regarding the above referenced project:

1. The proposed plan for site development will require rezoning.

2. A variance would also be required for the residential buildings if the developer decides not to decrease the size of the building to comply with the Zoning Ordinance which only permits a maximum of 18 units per building.

3. The project would be required to go through the normal subdivision approval process – sketch plan review, preliminary site plan review and final site plan review.

4. Water and sewer infrastructure:
    - Water exists on the east side of Sussex Highway.
    - The City has offers to participate in a cost sharing of the sewer crossing with a developer in the near future. Sewer will then be available to Seaford 36 LLC.

5. There is an issue with flooding at the WalMart site. The Lowe's site engineer performed a downstream analysis of the ditch that flows adjacent to the Seaford 36 property. The City and Sussex Conservation will work with the developer of Seaford 36 to provide the information that is available, but they will have to perform further analysis and resolve any problems to accommodate the anticipated runoff.

6. The developer will be required to install the Corridor Preservation Road from the Gallery Pointe development to the north thru the subject property.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director

CC: City of Seaford